

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

P A T H

Department of Prevention, Assistance, Transition, and Health Access

FROM: John Michael Hall, Commissioner
for the Secretary

BULLETIN NO.: 03-01F

DATE: January 16, 2004

SUBJECT: Changes to General Assistance (GA) and
Emergency Assistance (EA) Eligibility Criteria

CHANGES ADOPTED EFFECTIVE 2/1/04

INSTRUCTIONS

 X Maintain Manual - See instructions below.
 _____ Proposed Regulation - Retain bulletin
 and attachments until you receive
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MANUAL REFERENCE(S):

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This bulletin makes the following rule changes for the General Assistance (GA) and Emergency Assistance (EA) Programs:

- Adds provisions to GA and EA to specifically address eligibility of Postsecondary Education Program (PSE) participants.
- Adds a provision for GA payment of burials for honorably discharged veterans of any branch of the U.S. military forces who die without sufficient known assets to pay for burial.
- Modifies EA rules for child welfare emergency services so they are in compliance and consistent with federal law.
- Modifies EA medical and dental care rules to make them consistent with GA rules.
- Removes eligibility limitation for families applying for EA temporary housing and rent and mortgage arrearage assistance who have received other emergency assistance in past 12 months.
- Updates references, improves clarity and organization without changing substance in GA and EA rules.

These rule changes are made pursuant to the Department of PATH Commissioner's general rulemaking authority (33 V.S.A. §105(c)(2)) and the following additional authorization for the specified change:

- For changes to EA to make the program rules consistent with GA rules, section 149 of the appropriations bill for state fiscal year 2003, Act 142 § 149 (d) (2002 Vt.), directing PATH to adopt rules necessary to establish procedures to limit general assistance payment for medical and dental care to those required to treat emergency medical needs.
- For changes to EA rent and mortgage arrearage rules, section 149 of the appropriations bill for state fiscal year 2003, Act 142 § 149(b) (2002 Vt.), directing PATH to file a proposed rule amending the standards and procedures for awarding assistance in connection with nonpayment of rent or mortgage arrearage.
- For changes to the GA burial rules, Act 30 (2003 Vt.), An Act Relating to Burial of Destitute Veterans.

GA and EA Changes Related to Participants in the PSE Program

Historically, GA and EA income eligibility levels were the same as the payment standard for financial assistance (Aid to Needy Families with children, now Reach Up financial assistance). The payment standard is the maximum amount of financial assistance a family can receive. Families receiving financial assistance or with income equal to or greater than the ANFC payment standard were not eligible for non-catastrophic EA and GA.

On July 1, 2001, PATH replaced ANFC with Reach Up and implemented its PSE program. Prior to that date, families received postsecondary education services and financial assistance through ANFC. Eligible PSE families now receive living expense stipends based on Reach Up payment standards with some modifications. To maintain the policy that was in place with ANFC, this bulletin aligns the GA and EA rules with PSE rules so that the GA and EA income eligibility level for a PSE family is the Reach Up payment standard used to determine a PSE stipend amount for a family of the same size with the same housing costs.

TANF-Related Changes to Child Welfare Emergency Services

The EA program is funded with federal Temporary Assistance for Needy Families Block Grant (TANF) (see 42 U.S.C. §§ 601 - 619). The federal TANF law and regulations distinguish between use of TANF funds to provide for families' ongoing monthly needs and payments to address short-term crisis needs. TANF funds used for ongoing living expenses are counted toward the families' five-year limit on their receipt of TANF assistance. The state must provide extensive federal reporting on families receiving these funds. Short-term assistance addresses a discrete crisis situation for a period not to exceed four months. Such payments are not counted toward the families' five-year limit and the state need only provide limited data for federal reporting.

Prior EA rules permitted the use of TANF funds for child welfare emergency services for a period not to exceed 12 months. This bulletin reduces this to a period not to exceed four months to make it consistent with federal law and regulations applicable to TANF expenditures for short-term assistance.

Changes Making EA Consistent with GA

In the appropriations bill for state fiscal year 2003, the Vermont General Assembly authorized PATH to adopt rules limiting general assistance payments for medical and dental care to those required to treat emergency medical needs. The GA rules went into effect on July 1, 2002. Generally, legislative authorization for changes to GA rules includes EA rules and changes are made simultaneously to both programs. The EA rules were not changed because the state was waiting for federal guidance clarifying whether TANF funds may be used for EA medical services. The department received the guidance that TANF funds may be used for EA medical services and now modifies the EA rules to make them consistent with GA rules. Specifically, the rule:

- clarifies the definition of an emergency medical need;
- establishes the requirement that pharmacists comply with the department's pharmacy best practices and cost control program (Pharmacy Benefit Management - PBM); and
- substitutes references to a list of prescription drug classifications not covered by EA for existing descriptions of covered and noncovered drugs.

EA Temporary Housing and Rent and Mortgage Arrearage Assistance Limit

Before this change, rules limited all authorization of EA to one period of 30 consecutive days in any period of 12 consecutive months. A family that received any EA in the past 12 months could not receive any more EA, including temporary housing and rent or mortgage arrearage assistance. The rent and mortgage arrearage assistance rule change is in response to requests from advocates during the process of the development of PATH Bulletin 02-30. This bulletin restructures EA temporary housing and rent and mortgage arrearage as benefits subject to time limits independent of the time limits imposed on other EA benefits. The rule continues to limit a family's potential eligibility for arrearage assistance to no more than one time in a 12-month period (36-month period for a Category II beneficiary).

The change eliminates the disqualification for:

- rent or mortgage arrearage assistance based on the family's receipt of an EA payment in the past 12 months for a benefit other than rent or mortgage arrearage, or
- temporary housing based on the family's receipt of an EA payment in the past 12 months for a benefit other than temporary housing.

Similarly, a family that has received arrearage assistance in the past 12 months is not precluded from receiving EA assistance for a benefit other than arrearage assistance; and a family that has received temporary housing assistance in the past 12 months is not precluded from receiving EA assistance for a benefit other than temporary housing. Before this change, a family that had an emergency need after receiving EA temporary housing or rental or mortgage arrearage assistance in the prior 12-month period, might have had those emergency needs met through GA, which is funded entirely with general funds. The rule allows those subsequent emergency needs, other than temporary housing or rental and mortgage arrearage, to be met with federal funds in the EA program.

Changes to GA Burial Rules

Act 30 (2003 Vt.) authorizes PATH to pay burial expenses for eligible honorably discharged veterans. Specifically, this bulletin requires that the department pay allowed burial expenses for honorably discharged veterans of any branch of the U.S. military forces, without sufficient known assets to pay for burial, who die in this state, or who are residents of this state and die in this state or elsewhere.

GA and EA Changes Related to Dependent Care Expenses

This bulletin deletes the GA and EA mileage rates for transportation to and from a dependent care facility and directs the user to the dependent care mileage rate in Reach Up procedures. Rates for GA, EA, and Reach Up are currently \$0.20 per mile. This change enables the department to increase the mileage rate for GA and EA in the future without going through rulemaking. For consistency with Reach Up and PSE rules, this bulletin also clarifies that Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses. These participants qualify for a full child care subsidy through the Division of Child Care Services of the Department of Social and Rehabilitation Services.

EA and GA Changes to Update References, Improve Clarity and Organization

This bulletin replaces obsolete “ANFC” references to the Aid to Needy Families with Children Program with “Reach Up,” Vermont's TANF program. This bulletin also makes nonsubstantive changes to program rules to improve clarity and organization.

Specific Changes to Rules

Table of Contents	Updates 2600 to reflect reorganization of the rules.
2600	Reorganizes the rule adding a general introduction and renaming the “Eligibility Criteria” section as “General Assistance.”
2600.1	Adds “Application” subsection designation.
2600.2	Adds “Applicant Household” subsection designation. Adds reference to civil union partners.
2600.3	Moves definitions from former section 2601 to new 2600.3 subsection designation. Reorganizes definitions into numbered subsections. Revises definitions of applicant and dependent to include civil union partners. Replaces references to “SSI” with “SSI/AABD.”
2600.3 P.2	Revises definition of relative to include civil union partners, correct legal citation, and clarify and simplify wording.

2601

Adds an “Eligibility Criteria for Non-Catastrophic Situations” section designation. Moves and reorganizes “Eligibility Criteria” from former 2600 section to new 2601 section designation.

Adds references to civil union partners. Updates rules citations.

Replaces references to SSI (federal Supplemental Security Income) with SSI/AABD (state Aid to the Aged, Blind, and Disabled) to reflect both components of the program.

2601 P.2

Clarifies that the net income limit for a participating Reach Up household is the payment standard used to determine the amount of the family's Reach Up financial assistance grant.

Adds a provision that the net income limit for a household participating and receiving a living expense stipend in the Postsecondary Education Program (PSE) is the payment standard used to determine the amount of the stipend.

Adds a provision that the net income limit for a household participating in the PSE program but not receiving a living expense stipend is the payment standard used to determine a stipend payment for a family of the same size with the same housing costs.

Clarifies that the net income limit for a household not participating in either Reach Up or PSE is the Reach Up payment standard for a family of the same size with the same housing costs.

Adds “sanctioned” in reference to members disqualified for GA because they have refused to comply with Reach Up eligibility or participation requirements.

Removes an obsolete reference to Medicaid sanctions.

2601 P.3

Adds references to civil unions. Updates rule citation.

2601 P.4

Replaces the phrase “initial SSI checks” with “initial SSI/AABD payment.” Clarifies and simplifies wording and makes grammatical changes.

2608

Replaces “ANFC entitlement” with “Reach Up financial assistance.” Clarifies that the gross Reach Up amount prior to recoupments counts as income received.

Adds EA rental or mortgage arrearage payments to the types of GA and EA not counted as income.

Replaces some acronyms in subsection 7 with the full names of benefits.

Replaces “alimony” with “spousal support.”

Moves subsection 10 here from 2608 P.2.

[2608 P.2](#)

Replaces “ANFC payment level” with “applicable income limit” and adds rule citation. Adds spousal support to the list of garnishments allowed as deductions in 2608.1. Clarifies and simplifies wording.

[2608.4](#)

Reformats room and board deductions into a table.

[2608.5](#)

Reformats dependent care expense deductions into a table.

Deletes mileage rate for transportation to and from dependent care facility and directs the user to Reach Up procedures.

Replaces “ANFC” with “Reach Up;” corrects rule citation; moves excluded income section to next page.

Clarifies that, for consistency with Reach Up and PSE rules, Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses. Since the filing of the proposed rule, the department has added this phrase to the last paragraph: “As long as funding for child care subsidies through the Department of Social and Rehabilitation Services (SRS) is available.”

Deletes procedural sentence at the end of the subsection.

Clarifies and simplifies wording.

[2608.6](#)

Moves excluded income section from previous page. Replaces reference to “SSI” with “SSI/AABD.” Clarifies wording.

[2610](#)

Replaces “ANFC payment level” with “applicable income limit” and adds rule citation. Changes obsolete eligibility worker title to generic position name. Clarifies and simplifies wording.

[2613](#)

Adds condo and association fees to the list of covered housing costs.

[2613.1](#)

Adds requirement that the housing allowance portion of a Postsecondary Education Program stipend, after ratable reduction, be deducted from a general assistance grant for permanent housing. Replaces “ANFC” with “Reach Up.”

[2613.2](#)

Updates rule citation. Clarifies and simplifies wording.

[2613.5](#)

Clarifies that moving expenses may be covered by GA when a move is a direct result of a catastrophic event. Since the filing of the proposed rule, the phrase “or their designees” has been added following “District managers.”

<u>2640</u>	<p>Adds provision that the department is responsible for paying burial expenses for honorably discharged veterans without sufficient known assets to pay for burial who die in this state, or who are residents of this state and die in this state or elsewhere.</p> <p>Reorganizes section into subsections.</p> <p>Clarifies and simplifies wording.</p>
<u>Table of Contents</u>	<p>Updates 2800 to reflect reorganization of the rules. Adds Table of Contents Page 2. Corrects numbering for section 2807.</p>
<u>2800</u>	<p>Reorganizes the rule adding a general introduction and renaming the “Emergency Assistance to Needy Families with Children” section as “Emergency Assistance.” Updates rule citation.</p>
<u>2800.1</u>	<p>Adds “Application” subsection designation.</p>
<u>2800.2</u>	<p>Adds “Applicant Household” subsection designation. Updates rule citation.</p>
<u>2800.3</u>	<p>Moves definitions from former section 2801 to new 2800.3 subsection designation. Reorganizes definitions into numbered subsections. Revises definition of applicant to include references to civil union partners. Replaces references to “SSI” with “SSI/AABD.” Clarifies and simplifies wording.</p>
<u>2800.3 P.2</u>	<p>Revises definition of dependent to include references to civil union partners. Clarifies and simplifies wording.</p>
<u>2800.3 P. 3</u>	<p>Revises definition of relative to include civil union partners, correct legal citation, and clarify and simplify wording.</p>
<u>2800.4</u>	<p>Adds “Authorization Limits” subsection designation. Moves content from former 2800 section and from 2810 section here.</p> <p>Adds a provision excepting temporary housing and rental or mortgage arrearage assistance from the EA limit of 30 days in any period of 12 consecutive months.</p> <p>Adds provision allowing EA for other benefits when a family has received EA temporary housing during the prior 12-month period.</p> <p>Adds provision allowing EA for other benefits when a family has received rental or mortgage arrearage assistance during the prior 12-month period.</p>

2801

Adds “Eligibility Criteria for Non-Catastrophic Situations” section designation. Moves content from former 2800 section and updates it here.

Clarifies that the net income limit for a participating Reach Up household is the payment standard used to determine the amount of the family's Reach Up financial assistance grant.

Adds a provision that the net income limit for a household participating and receiving a living expense stipend in the Postsecondary Education Program (PSE) is the payment standard used to determine the amount of the stipend.

Adds a provision that the net income limit for a household participating in the PSE program but not receiving a living expense stipend is the stipend payment standard for a family of the same size with the same housing costs.

Clarifies that the net income limit for a household not participating in either Reach Up or PSE is the payment standard for Reach Up financial assistance for a family of the same size with the same housing costs.

Adds “sanctioned” in reference to members disqualified for EA because they have refused to comply with Reach Up eligibility or participation requirements.

Removes an obsolete reference to Medicaid disqualification. For consistency with GA, revises duration of the EA disqualification period to the length of the Reach Up sanction period. Replaces “ANFC” with “Reach Up.”

Replaces references to “SSI” with “SSI/AABD.”

Adds reference to civil union couples.

2802

Moves definition of “transient” to subsection 2800.3. Clarifies wording. Updates rule citation. Since the filing of the proposed rule, the department adopted rules in Bulletin 03-17 effective December 1, 2003 aligning sections 2602 and 2802. That bulletin also added provisions related to premiums that are effective on April 1, 2004.

2802.1

Revises for consistency with GA rule 2602.1.

2802.2

Revises for consistency with GA rule 2602.2.

2802.3

Revises for consistency with GA rule 2602.3.

2808

Replaces “ANFC entitlement” with “Reach Up financial assistance.” Clarifies that the gross Reach Up amount prior to recoupments counts as income received. Replaces some acronyms in subsection 6 with the full names of benefits. Replaces “alimony” with “spousal support.”

2808 P.2	Replaces “ANFC payment level” with “income limit” and adds rule citation. Clarifies and simplifies wording.
2808.1	Adds spousal support to the list of garnishments allowed as deductions.
2808.3 P.2	Clarifies and simplifies wording. Updates page numbers.
2808.4	Reformats room and board deductions into a table.
2808.5	Reformats dependent care expense deductions into a table. Moves subsection 2808.5 from previous page. Clarifies and simplifies wording. Deletes mileage rate for transportation to and from dependent care facility and directs the user to Reach Up procedures. Clarifies that, for consistency with Reach Up and PSE rules, Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses. <u>Since the filing of the proposed rule</u> , the department has added this phrase to the last paragraph: “As long as funding for child care subsidies through the Department of Social and Rehabilitation Services (SRS) is available.”
2808.6	Moves subsection 2808.6 from following page. Replaces reference to "SSI" with "SSI/AABD." Clarifies wording.
2810	Renames the “Emergency Assistance Coverage” section as “Benefit Issuance” and removes list of emergency needs for consistency with GA. Moves reference to 30-consecutive-day authorization limit to new “Authorization Limits” subsection at 2800.4. Replaces “ANFC payment level” with “applicable income limit” and adds rule citation. Changes obsolete eligibility worker title to generic position name. Clarifies and simplifies wording.
2813	Adds condo and association fees to the list of covered housing costs.
2813.1	Adds requirement that the housing allowance portion of a Postsecondary Education program stipend, after ratable reduction, be deducted from an emergency assistance grant for permanent housing. Replaces “ANFC” with “Reach Up.”
2813.2	Adds provision allowing assistance for temporary housing when a family has received EA for benefits other than temporary housing during the prior 12-month period. Updates rule citation.

Deletes requirement that temporary housing authorizations beyond seven days be reported to the Chief of Field Operations.

Revises references to work search for consistency with the rule at 2807.

Reorganizes the subsection. Moves text to the next page.
Clarifies and simplifies wording.

[2813.21](#) and
2813.21 P.2

Adds "Pre-authorization of Permanent Housing Payments" subsection designation. Moves pre-authorization content from 2813.2 here.
Adds provision allowing assistance for rental or mortgage arrearage when a family has received EA for benefits other than arrearage during the prior 12-month period.

[2820](#)

Revises section for consistency with GA.

[2820.1](#)

Revises section for consistency with GA, incorporating text from the deleted 2820.2 section.

2820.2

Deletes subsection designation 2820.2, incorporating text into 2820.1.

[2830](#)

Adds provision limiting child welfare emergency services for substitute care to four months for consistency with TANF regulations for a discrete crisis situation. Reorganizes the section to clarify that child welfare emergency services are available through SRS. Adds "Eligibility Criteria" subsection designation at 2830.1 and "Protective Services" subsection designation at 2830.2.

[2830.3](#)

Adds "Family Support Services" subsection designation at 2830.3 and "Family Preservation Services" subsection designation at 2830.4.

Summary of Written Comments and Department Responses

A public hearing was held on November 10, 2003 at 1:00 p.m., in the Planning and Evaluation Division's Blue Room, Department of PATH, State Office Complex, Waterbury, Vermont. No member of the public attended. Vermont Legal Aid and the Vermont Affordable Housing Coalition submitted written comments. The submitted comments and the department's responses are summarized below.

[2600.2](#) Applicant Household [2800.2](#)

Comment: Legal Aid suggests that PATH modify the rule so eligible household members are not denied assistance because a member of their household is an ineligible immigrant.

Response: The rule does not change eligibility determinations for households with ineligible immigrants. Eligible household members are not disqualified on the basis of another household member's immigration status. Income of ineligible immigrant household members is counted in the household income eligibility determinations.

[2613](#) Housing [2813](#)

Comment: Legal Aid and the Vermont Affordable Housing Coalition (VAHC) suggest that the department consider modifying the rules on GA and EA for property tax arrearages. Legal Aid notes that current rules do not allow GA and EA funds to be disbursed for property tax arrearages until the municipality has filed foreclosure proceedings and the court date is within 30 days. The rules also require that the property owner apply for a tax abatement. According to Legal Aid, failure to pay property taxes is also a default on the mortgage; and a bank will proceed with foreclosure due to failure to pay property taxes before the municipality takes any action. Legal Aid suggests that the department consider modifying the rules to allow owners to seek assistance for property tax arrears based on a delinquency notice from the town.

Response: Because the changes proposed in this bulletin do not address tax arrearages, the comments are beyond the scope of this rule. Currently, the department lacks the necessary data and information needed to determine the economic impact of the recommended change. The department is cognizant of the issue and will meet with the Legal Aid, VAHC, and other interested individuals in January 2004 to initiate a study of the effects of the proposed change. If research results support making a change, the department will consider proposing a rule change in the future.

[2800.4](#) Authorization Limits
[2813.2](#) Temporary Housing

Comment: Legal Aid suggests that the regulation should be clarified that the 84-day maximum is for both GA and EA.

Response: The rule at 2613.2 clarifies that the 84-day temporary housing maximum is cumulative for the EA and GA programs. When a family qualifies for temporary housing under both the EA and GA rules, the department issues federally funded benefits through EA to conserve general funds. An otherwise eligible family that no longer qualifies for EA because of the authorization limits at 2800.4 may receive temporary housing assistance under GA.

[2608.5](#) Dependent Care Expense Deduction
[2808.5](#)

Comment: Legal Aid suggests the rule be changed to disallow the deduction only when a Reach Up or PSE participant actually receives the child care subsidy, rather than when the participant qualifies for the subsidy. According to Legal Aid, there could come a time when the state is unable to provide child care subsidies for all who qualify due to fiscal issues.

Response: The state currently provides child care subsidies for all who qualify. There are no waiting lists for child care subsidies. GA and EA rules require families to pursue all sources of potential income, including child care subsidies. If at some point the state is unable to provide subsidies for all who qualify, the department will reconsider this policy and consider changing the rule. In response to Legal Aid's concern, we have added the phrase, "As long as funding for child care subsidies through the Department of Social and Rehabilitation Services (SRS) is available."

* * * * *

Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing regulation content.

Three dots at the bottom of a page after the last line of text and three dots at the top of the following page before the first line of text indicate that text has been moved.

* * * * *

For more information about the Administrative Procedures Act and the rules applicable to state rulemaking please go to the website of the Office of the Vermont Secretary of State at: vermont-archives.org/apa/rules.html or call Louise Corliss at 828-2863.

For information on upcoming hearings before the Legislative Committee on Administrative Rules please go to the website of the Vermont Legislature at: www.leg.state.vt.us/schedule/schedule2.cfm or call 828-5760.

Manual Holders: Please maintain manuals assigned to you by removing and inserting the following pages.

Manual Maintenance

<u>Remove</u>		<u>Insert</u>	
TOC P.1 (2600)	(02-10)	TOC P.1 (2600)	(03-01)
PP&D facing 2600 P.1	11/12/92	Nothing	
PP&D facing 2600 P.1	7/7/80	Nothing	
2600 P.1	(95-5F)	2600	(03-01)
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PP&D facing 2601 P.1	10/9/85	Nothing	
2601 P.2	(96-39)	2601	(03-01)
2601 P.3	(95-5F)	2601 P.2	(03-01)
Nothing		2601 P.3	(03-01)
Nothing		2601 P.4	(03-01)
2608 P.1	(95-5F)	2608	(03-01)
2608 P.2	(95-5F)	2608 P.2	(03-01)
2608.4	(95-5F)	2608.4	(03-01)
Nothing		2608.6	(03-01)
2610	(97-9)	Nothing	
2613	(95-24)	2613	(03-01)
2613.2	(00-14)	2613.2	(03-01)
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PP&D facing TOC P.1 (2800-2830)	10/15/96	Nothing	
TOC P.1 (2800)	(02-30)	TOC P.1 (2800)	(03-01)
Nothing		TOC P.2	(03-01)
PP&D facing 2800P.1	11/12/92	Nothing	
2800 P.1	(95-5F)	2800	(03-01)
2800 P.2	(98-21)	2800.2 P.2	(03-01)
Nothing		2800.3 P.2	(03-01)
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2801 P.1	(96-39)	2801	(03-01)
2801 P.2	(95-5F)	2801 P.2	(03-01)
2801 P.3	(03-17)	2802	(03-01)
2802 P. 2	(03-17)	2802 P.2	(03-01)
Nothing		2802.2	(03-01)
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PP&D facing 2808.6	10/27/93	Nothing	
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2810	(97-9)	2810	(03-01)
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PP&D facing 2813.2	11/8/95	Nothing	
2813.2	(00-14)	2813.2	(03-01)
2813.2 P.2	(95-24)	2813.21	(03-01)
Nothing		2813.21 P.2	(03-01)
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Bulletin No. 03-01

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Bulletin No. 03-01

2600

2600 General Assistance

General assistance (GA) is an emergency financial assistance program for eligible applicant households whose emergency needs, according to department standards, cannot be met under any other assistance program administered by the department and cannot be relieved without the department's intervention. A household may qualify for GA in two ways, by meeting either the non-catastrophic or the catastrophic rules. All households must meet the citizenship and residence criteria in section 2603 and furnish required information as specified in section 2604.

Households with emergency needs not caused by a catastrophic situation must include a minor dependent or meet other criteria of age or ability to work (2601) to be determined eligible, and must have income below the applicable income test (2601B). Households in which all members receive Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits are ineligible for non-catastrophic GA because they are considered to be over income for this program.

Households with emergency needs caused by a catastrophic situation must meet the eligibility criteria in section 2602. Emergency medical needs are considered catastrophic. All households applying for GA for an emergency medical need must meet the catastrophic GA criteria at 2602 to have the emergency medical need covered by GA.

2600.1 Application

To have their eligibility for GA considered, all applicants (2600.3) or their authorized representatives must:

- submit a complete, signed application each time they request assistance; and
- have a face-to-face interview with a PATH representative, unless waived by the district manager.

2600.2 Applicant Household

A GA household shall consist of an individual applying for GA and all dependents living with the applicant in Vermont for whom the applicant is legally responsible, i.e., spouse, civil union partner, and dependent children under the age of 18. The following individuals must be considered members of the applicant household when they live together:

- dependent children under the age of 18;
- their siblings, half-siblings, and step-siblings under the age of 18;
- their parents, step-parents, or other legally responsible relatives.

The members of the GA household shall have their needs, income, and resources considered together to determine eligibility.

Individuals age 18 or over who live with their parents are considered a separate family and must complete a separate application.

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2600.3

2600.3 Definitions

The following definitions apply to the terms used in the GA rules.

- (1) “Able-bodied” means no physical or mental impairment exists that prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician or licensed practitioner whose services would be covered under Medicaid were the GA applicant a Medicaid recipient. The department shall pay the reasonable expense of required medical examinations and may require and pay for a second opinion.

Individuals whose SSI/AABD eligibility has been terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability shall be considered able-bodied with respect to their drug or alcohol impairment.

- (2) “Applicants” means individuals applying for GA for their own needs and for the needs of those dependents with whom they live in Vermont and for whom they are legally responsible.

For married individuals or parties to a civil union who live together, the term applicant refers to both spouses or civil union partners. Either spouse or partner may complete the application.

For unmarried adults who live together and have a child-in-common, the term applicant refers to both adults. Either adult may complete the application.

Applicants must be age 18 or older, unless emancipated (see emancipated minor below).

- (3) “Available resources” means cash on hand or in a bank or other financial institution, including Christmas clubs and U.S. savings bonds or other negotiable instruments that can be converted into cash on demand within 24 hours when responding to an immediate emergency need for the first time. The applicant shall be advised to take steps to access other resources such as cash value of life insurance, sale of stock, bonds, or mutual funds, cashing of an IRA or other reasonably accessible resource to meet future needs. Future GA applications will be evaluated in relation to whether the applicant has taken reasonable steps to access these resources. If not, the application will be denied because no effort was made to access resources that could have been currently available to meet the emergency need.
- (4) “Calculation of time periods” shall include the date of application. When determining income for the last 30 days, however, the 30-day period ending on the day prior to the date of application is used.
- (5) “Dependent” means any of the following members of the applicant's immediate family: husband, wife, civil union partner, and children under age 18, unless they are emancipated minors, including biological, adopted, and stepchildren. A pregnant woman having no children in her household shall not be considered to have a minor dependent.

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2600.3 P.2

2600.3 Definitions (Continued)

(6) “Emancipated minor” means a minor emancipated by judicial decree under the laws of any state. A minor is also considered emancipated if married or in active military service.

(7) “Gainful employment” means individuals:

- work at least 35 hours per week at no less than the applicable minimum hourly wage;
- have gross weekly income that, when divided by 35, equals or exceeds the applicable minimum hourly wage, regardless of the actual number of hours worked; or
- if self-employed, work at least 35 hours per week and the balance of income remaining after deducting allowable self-employment deductions equals or exceeds the minimum wage. An individual shall be considered self-employed if the Internal Revenue Service requirements for classification as self-employed are met.

(8) “Minimum wage” means the state or federal minimum wage, whichever is the higher.

(9) “Relative” means one of the following individuals:

- Any blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
- Stepparent, stepbrother, stepsister;
- Any adoptive relative of corresponding degree, upon whom Vermont law (15A V.S.A. § 1-104) confers the same rights, duties, and obligations as natural relatives;
- Any spouse or civil union partner of an individual included in the above groups, even if the marriage or civil union has been terminated by death, divorce, or dissolution.

(10) “Suitable employment” means that:

- The wages (monetary and in-kind) are equal to or exceed the minimum wage. The value of in-kind income shall be established by the employer.
- The individual is physically and mentally fit to perform the employment offered.
- The work offered is not at a site subject to a strike or a lockout at the time of the offer.

The eligibility worker shall establish when medical documentation is required to determine suitability of employment. The department shall pay the reasonable charge for medical examination and report.

(11) “Transient” means an individual who does not intend to establish a permanent residence in Vermont.

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2601

2601 Eligibility Criteria for Non-Catastrophic Situations

Applicant households in which all members receive Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits, do not qualify for GA in non-catastrophic situations. All other households applying for emergency needs that are not attributable to a catastrophic situation may qualify for GA to address that need, provided they meet one of the two criteria of subsection A, all of the criteria of subsection B, the citizenship and residence criteria in section 2603, and the applicant's responsibility criteria in 2604.

A. The household applying for non-catastrophic GA must meet either criterion 1 or 2.

1. The household must include a dependent child under the age of 18 (2600.3).
2. The applicant and the applicant's spouse or civil union partner, if living in the home, must each meet one of the following four criteria:
 - a. is age 65 or older;
 - b. is younger than 65 and not able-bodied (2600.3);
 - c. is younger than 65, able-bodied, and the spouse or civil union partner of an SSI/AABD recipient or an SSI/AABD applicant who meets criterion a or b above; or
 - d. is younger than 65, able-bodied, and has two or more of the following employment barriers:

Employment Barriers

- (1) Age 55 or over. Eligibility based on this barrier shall be contingent upon enrollment and active participation in employment-related activities under the Older Americans Act, or similar programs, as available.
- (2) Unable to read or write or has no more than an eighth-grade education. Eligibility based on this barrier shall be contingent upon enrollment and active participation in an Adult Basic Education or other approved/recognized educational program, as available. Eighth-grade education means completion of eighth grade, but not completion of ninth grade.
- (3) Employed or self-employed fewer than six months in the last five years and a full-time student fewer than six months in the last five years.
- (4) Released from a mental health institution or mental health hospital unit within the last six months.
- (5) Participating in a state or federally funded drug or alcohol treatment program. Participating means following an established treatment plan measured by the individual making progress toward the treatment goals as established by the treatment provider. Eligibility under this barrier shall be limited to 36 cumulative months,

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2601 P.2

2601 Eligibility Criteria for Non-Catastrophic Situations

Employment Barriers

(5) (Continued)

beginning on the day eligibility is based on this barrier. An individual whose SSI/AABD eligibility has terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability cannot base eligibility on this barrier. If the individual's SSI/AABD terminated prior to the 36-month time limit, the barrier may apply up to 36 months including of the period of SSI/AABD receipt.

B. The household applying for non-catastrophic GA must meet all of the following six criteria:

1. During the 30-day period immediately prior to application, the applicant household has received net income, computed according to 2608, less than the applicable income limit. The applicable income limits are as follows:
 - a. For a household with members participating in the Reach Up Program, the income limit is the Reach Up payment standard used to determine the amount of the family's Reach Up financial assistance grant.
 - b. For a household with a parent participating in the PSE program and receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine the amount of the family's PSE stipend.
 - c. For a household with a parent participating in the Postsecondary Education Program (PSE) but not receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine a stipend payment for a family of the same size with the same housing costs.
 - d. For a household with no members participating in either Reach Up or PSE, the income limit is the Reach Up payment standard for a family of the same size with the same housing costs.

The Reach Up payment standard is the need standard ratably reduced before consideration of any income (Reach Up rule 2245.24).

2. No household members are sanctioned under the Reach Up program because of their refusal to comply with a program eligibility or participation requirement. The disqualification period for GA will be the same as the Reach Up sanction period.

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2601 Eligibility Criteria for Non-Catastrophic Situations

B. (Continued)

3. The household is actively pursuing all sources of potential income appropriate to their situation, such as, but not limited to, Reach Up, SSI, AABD, Medicaid, food stamps, fuel assistance, unemployment or worker's compensation, veterans benefits, insurance payments, railroad retirement, pensions, social security, wages, and child support. Pursuit of potential income means initiating an application, request or complaint as appropriate prior to a subsequent GA grant, cooperating with requirements for a timely decision, and continuing to cooperate in meeting requirements to maintain such income on an ongoing basis thereafter.
4. There is an emergency need. If the emergency need is a need for medical services or items, the department shall determine eligibility according to the rules for catastrophic situations at 2602, even if the applicant meets the non-catastrophic income test at 2600.
5. The household has exhausted all available income and resources except that:
 - a. Applicants who have available resources (2600.3) less than their need shall have the amount of the resources deducted from the GA grant.
 - b. Single individuals age 62 or over, or in receipt of SSI/AABD or social security based on blindness or disability, may have up to \$1,500 of available resources disregarded. Up to \$2,250 of the household's available resources may be disregarded if the individual lives with a spouse or civil union partner. With the exception of special resource treatment related to burial expenses (2640-2647), only resources in excess of these amounts will be counted as available in determining eligibility or benefits for such persons.
 - c. Resources set aside in an escrow account for the purpose of paying property taxes or homeowner's insurance shall be disregarded up to the amount of these projected expenses.
6. The household has complied with the employment requirements in 2607.1, if applicable.

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2601 Eligibility Criteria for Non-Catastrophic Situations

- C. General Assistance shall be furnished with the understanding that when a recipient subsequently acquires benefits or resources in any amount from an inheritance; cash prize; sale of property; retroactive lump sum social security, veterans, or railroad retirement benefits; or court awards or settlements; the recipient shall be required to make reimbursement for the amount of aid furnished during the previous two years.

SSI/AABD Applicants

The GA applicant or GA household member who has a pending SSI/AABD application, or who is being referred by the department to the Social Security Administration (SSA) to apply for SSI/AABD, must sign a Recovery of General Assistance Agreement authorizing SSA to send the initial SSI/AABD payment to this department so the amount of GA received can be deducted. Regardless of the amount of the initial SSI/AABD payment, the deduction shall be made for GA issued during the period from the first day of eligibility for SSI/AABD, or the day the Recovery of General Assistance Agreement is signed, if later, to the date the initial SSI/AABD payment is received by the department.

When the SSI/AABD grant does not include all members of the GA household, the deduction shall be for a prorated portion of GA granted, to reflect only those included in the SSI/AABD grant.

The department shall send any remainder due to the SSI/AABD recipient within 10 days. An exception to this provision applies to individuals whose SSI/AABD is based on drug addiction or alcoholism. After SSI/AABD is granted and SSA has reimbursed Vermont for GA received, SSA will pay the remainder of the initial SSI/AABD payment to the recipient's representative payee.

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2608

2608 Income

Income means the total gross sum of all monetary remunerations received from any source for any reason. See 2608.1 through 2608.6 for deductions and excluded income. The following list identifies some kinds and sources of income:

1. Reach Up financial assistance payments. Reach Up financial assistance prior to deductions to recover overpayments shall count as income received.
2. GA and EA payments. Such payments, however, shall not be considered income if they:
 - constitute the only income received in the last 30 days;
 - are based on a catastrophic situation (2602 or 2802); or
 - are issued for temporary housing (2613.2 or 2813.2) or rental or mortgage arrearage (2813.3).

3. Wages or compensation for services performed as an employee.
4. Gross receipts from self-employment.

Gross receipts shall include all monies received from the following:

- sale of goods or commodities produced by the self-employment enterprise;
 - services performed in connection with and attributable to the enterprise; and
 - gross proceeds from the sale or transfer of capital assets used in or held as an investment by the enterprise (e.g., real estate, personal property, and securities).
5. Room or board payments received.
 6. Day care payments received.
 7. The amount actually received in annuities, pensions, compensation or benefits (e.g., social security retirement or disability benefits, veterans benefits, railroad retirement, SSI/AABD).
 8. Government-sponsored payments.
 9. Cash gifts, child or spousal support.
 10. Rent, dividends, interest, royalties.

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2608 Income (Continued)

11. Regularly or irregularly received cash from any source.

All income received by all persons included in the applicant household shall be verified and shall be computed to arrive at the total gross income received during the 30-day period prior to the date of the application. The total allowable deductions (section 2608.1 through 2608.6) shall be computed and subtracted from the total gross income to arrive at the total net income received during the 30-day period prior to the date of application. If total net income equals or exceeds the applicable income limit (2601 B), the application shall be denied unless the household is eligible because it has experienced a catastrophic situation (2602).

The applicant may be required to substantiate that income and resources have actually been spent. Amounts not accounted for shall be considered cash-on-hand.

2608.1 Standard Work Expense Deduction

To compute earned income used in determining eligibility for general assistance, an employment expense standard consisting of the first \$90 of earned income shall be deducted from the 30-day gross earned income of each employed individual in lieu of actual employment expenses such as taxes, insurance, dues, clothing, and transportation.

In addition, deductions for garnishments against income, although mandatory on the employer, shall be limited to garnishments:

- by the Internal Revenue Service for federal taxes;
- by the state of Vermont for state taxes; and
- for child and spousal support (see 2608.3).

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2608.4

2608.4 Room and Board Deductions

The cost of providing room and board shall be deducted from the gross income received in the last 30 days in the following amounts:

Service Provided	Deduction Per Person Per Day
room only	\$1.00
board only	\$2.00
room and board	\$3.00

The deduction shall not exceed the amount of room and board payment received.

An applicant who provides room or board to three or more adult individuals unrelated to the applicant shall be considered to be operating a commercial enterprise and have deductions computed according to 2608.2.

2608.5 Dependent Care Expense Deduction

Except as specified below, dependent care expenses necessary to enable individuals to retain their employment shall be deducted as paid in the previous 30 days up to the following maximum amounts per adult or child:

Dependent Needing Care	Maximum Deduction Per Dependent
child under age 2	\$200
child age 2-12	\$175
child age 13-17 who meets the criteria in Reach Up rule 2352	\$175
incapacitated adult	\$175

Dependent care deductions will be allowed on the basis of a signed statement by the provider of services. If a recipient's dependent care expenses are below the maximum, transportation to and from the dependent care facility may be deducted as part of the expense at the mileage rate published in Reach Up procedures.

As long as funding for child care subsidies through the Department of Social and Rehabilitation Services (SRS) is available, Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses because they qualify for the child care subsidy.

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2608.6

2608.6 Excluded Income

Certain kinds of income are excluded from consideration when determining income eligibility for general assistance. They are considered, however, in evaluating whether an emergency need exists.

These kinds of income include:

- senior companion stipend,
- fuel assistance benefits,
- foster care payments from Social and Rehabilitation Services (SRS), and
- adoption assistance subsidies.

Other kinds of income are totally excluded, even in the consideration of an emergency need, including catastrophic situations. These include:

- food stamps and food stamp cashout payments, as their use is dedicated exclusively to improvement of dietary standards; and
- money that an SSI/AABD recipient sets aside for the fulfillment of a plan to achieve self-support (PASS plan).

2610 Benefit Issuance

During a 30-day period, benefits for emergency needs resulting from a non-catastrophic situation (2601) cannot exceed the difference between the applicable income limit, as defined in 2601 B, and the net income for that household computed according to 2608. This provision is only applicable if the household has received general assistance or emergency assistance in the previous 60 days. Catastrophic benefits received in the previous 30 days are not counted as income in the net income calculation referred to above.

Benefits for needs in sections 2611 through 2617 may be issued to the applicant or to the provider of the service.

The eligibility worker determines the appropriate method of payment after assessing the preference of the applicant and provider and the applicant household's ability to use the money for the designated need.

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2613

2613 Housing

Housing includes accommodations to provide permanent or temporary shelter for eligible applicants. Housing may include furnishings, fuel, and utilities. Applicants are required to furnish verification of housing expenses. Housing payments may be authorized only when the applicant cannot obtain housing without cost to the applicant, for example, housing supplied by relatives, friends, or community groups. Payment may be provided for rent, lot rent, mortgage, condo and association fees, water and sewer charges, fuel and utilities when included in the rent, but not taxes. A household in crisis requiring general assistance should be considered for tax abatement before a housing crisis would occur. An exception to this policy, relative to taxes, is that payment may be made on behalf of an otherwise eligible applicant, when foreclosure proceedings have been filed by the municipality to which the taxes are owed, and the proceedings are scheduled to take place within 30 calendar days. Payment shall be for the minimum amount necessary to prevent tax foreclosure.

2613.1 Permanent Housing

Permanent housing is defined as housing accommodations intended to provide shelter on a continuing basis.

Payment shall not exceed the housing payment maximum or the actual payment, whichever is less.

When more than one individual or family unit occupy the same housing unit, the payment per applicant household shall not exceed the housing payment maximum or the pro-rata share of the total rent or mortgage payment, whichever is less. The total rent or mortgage payment used to compute the pro-rata share shall not exceed three times the applicable housing payment maximum. Any amount exceeding this shall be disregarded in the computation.

The pro-rata share is computed by dividing the total, up to three times the maximum, by the number of individual or family units sharing the housing unit.

When a housing allowance for the period to be covered has been or will be included in the applicant's Reach Up financial assistance grant or Postsecondary Education Program living expense stipend, that allowance, after ratable reduction, shall be deducted from the applicant's general assistance grant.

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2613.2

2613.2 Temporary Housing

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided and for whom permanent housing or alternative arrangements are not immediately available. "Could not reasonably have avoided" is subject to the limitation in 2602.1 (4).

Authorization for temporary housing may be issued for periods of not more than seven days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time.

Temporary housing payments above the GA payment maximums will be allowed for only 84 days in any consecutive 12-month period. The 12-month period is computed from the date of application to the same day of the month 12 months prior. The 84-day period need not be consecutive. After the 84-day period, payments are allowed only up to the permanent housing payment maximum.

The 84-day temporary housing maximum is cumulative for the Emergency Assistance and General Assistance Programs. An applicant who has received 84 days in temporary housing under EA during a 12-month period is not eligible for any further temporary housing assistance under GA for the same 12-month period. Temporary housing beyond 28 cumulative days in any consecutive 12-month period is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

Housing authorizations in amounts above the GA payment maximums shall be discontinued as soon as permanent housing is located, or reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

Deposits or security payments of any type shall not be authorized.

Department staff and town service officers shall make all possible effort to assist in the location of permanent housing for recipients located in temporary housing. The department shall inform recipients that they are primarily responsible, however, for locating permanent housing, and that if they do not make active effort to locate permanent housing, or fail to accept housing accommodations deemed suitable by the District Manager or the Town Service Officer even if in a location other than where they are situated, continued GA payment for temporary housing shall be denied.

During the first 14 days, documentation of the housing search is discretionary. Thereafter, individuals must demonstrate they have spent 20 hours or made between 10-15 contacts per week or expended an equivalent combination of effort.

The work search at 2607 is also required when it is a factor of eligibility for any member of the assistance household.

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2613.5

2613.5 Moving Expense

District managers or their designees and town service officers shall authorize payment of reasonable costs of moving household furniture to a new location provided the need to move said furniture is the direct result of a catastrophic event. This includes moving costs in situations such as:

- (a) furniture and possessions salvaged from a fire, flood, hurricane or other natural disaster which made the home uninhabitable;
- (b) personal property when a family must vacate its present home due to the death of the family member who owned the dwelling;
- (c) a move necessitated by a medical emergency, though this would be rare since we would not normally assist with a temporary move; condemnation of an area for the protection of the public health could be included in this category; and
- (d) constructive evictions, as well as court-ordered evictions, including the possessions of a battered spouse when it is necessary to move furniture or possessions from the battering spouse's home.

All potential alternatives and resources will be explored and the least expensive resolution of the problem will be utilized. This exploration would include disaster relief; help from friends, relatives or the community; and expedited payment of other program benefits.

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2640

2640 Burial Responsibility

When a person dies without sufficient known assets to pay for burial, a state institution, a town of domicile, or the department may be responsible for paying burial expenses.

A. Burials Paid by the Department

The department is responsible for paying the burial expenses of a person when the person:

1. died in Vermont or was a Vermont resident at the time of death regardless of the place of death,
2. died without sufficient known assets to pay for burial, and
3. meets one of the following criteria:
 - a. was an honorably discharged veteran of any branch of the U. S. military forces;
 - b. was a recipient of assistance under one or more of the following programs:
 - Titles IV or XVI of the Social Security Act,
 - nursing home care under Title XIX of the Social Security Act,
 - state aid to the aged, blind or disabled; or
 - c. was a person who did not die in a state institution (B below).

All payments made by the department for burial expenses are subject to the limitations specified in 2644 and 2646.

B. Burials Paid by State Institutions

The state institution is responsible for the burial of a person who is without sufficient known assets to pay for burial and dies while an inmate of the state institution.

C. Burials Paid by Town of Domicile

The town is responsible for the burial of persons who die in their town of domicile, are without sufficient known assets, and do not qualify for burial paid by the department (see A 3 above). The department shall reimburse a town up to \$250.00 for burial expenses incurred.

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2800

2800 Emergency Assistance

Emergency assistance (EA) is assistance provided for eligible families with dependent children whose emergency needs, according to department standards, cannot be met under any other assistance program administered by the department and cannot be relieved without the department's intervention. A family may qualify for EA in two ways, by meeting either the non-catastrophic or the catastrophic rules. All families must furnish required information as specified in section 2804.

Families with emergency needs not caused by a catastrophic situation must have income below the applicable income test and meet other eligibility criteria at 2801. Families in which each member receives Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits are ineligible for non-catastrophic EA because they are considered to be over income for this program. Assistance will not be provided to a household whose need arose as a result of refusal without good cause to accept employment or training for employment.

Families with emergency needs caused by a catastrophic situation must meet the eligibility criteria in section 2802. Emergency medical needs are considered catastrophic. All households applying for EA for an emergency medical need must meet the catastrophic EA criteria at 2802 to have the emergency medical need covered by EA.

EA may be authorized during one period of 30 consecutive days in any 12-consecutive-month period, except as specified in 2800.4 (Authorization Limits), 2813.2 (Temporary Housing), and 2813.3 (Rental or Mortgage Arrearage).

2800.1 Application

To have their eligibility for EA considered, applicants (2800.3) or their authorized representatives must:

- submit a completed signed application each time they request assistance; and
- have a face-to-face interview with a PATH representative, unless waived by the district manager.

2800.2 Applicant Household

An EA household must include one or more children under the age of 21 and the individuals who are legally responsible for them. Such child must live in a residence maintained by one or more relatives (2800.3) as their home. For the purpose of 2830, such child must have lived with such relative within six months prior to the application.

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2800.2 P.2

2800.2 Applicant Household (Continued)

The following individuals must be considered members of the applicant household when they live together:

- dependent children under the age of 18;
- their siblings, half-siblings, and step-siblings under the age of 18;
- their parents, step-parents, or other legally responsible relatives.

Children age 18 through 20 may be included in the household if they remain dependent upon the applicant, but their inclusion is not mandatory.

The members of the EA household shall have their needs, income, and resources considered together to determine eligibility.

2800.3 Definitions

The following definitions apply to the terms used in the EA rules.

- (1) “Able-bodied” means no physical or mental impairment exists that prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician or licensed practitioner whose services would be covered under Medicaid were the EA applicant a Medicaid recipient. The department shall pay the reasonable expense of required medical examinations and may require and pay for a second opinion.

Individuals whose SSI/AABD eligibility has been terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability shall be considered able-bodied with respect to their drug or alcohol impairment.

- (2) “Applicants” means individuals applying for EA for their own needs and for the needs of those dependents with whom they live in Vermont and for whom they are legally responsible.

For married individuals or parties to a civil union who live together, the term applicant refers to both spouses or civil union partners. Either spouse or partner may complete the application.

For unmarried adults who live together and have a child-in-common, the term applicant refers to both adults. Either adult may complete the application.

Applicants must be age 18 or older, unless emancipated (see emancipated minor below).

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2800.3 P.2

2800.3 Definitions (Continued)

- (3) “Available resources” means cash on hand or in a bank or other financial institution, including Christmas clubs and U.S. savings bonds or other negotiable instruments that can be converted into cash on demand within 24 hours when responding to an immediate emergency need for the first time. The applicant shall be advised to take steps to access other resources such as cash value of life insurance, sale of stock, bonds, or mutual funds, cashing of an IRA or other reasonably accessible resource to meet future needs. Future EA applications will be evaluated in relation to whether the applicant has taken reasonable steps to access these resources. If not, the application will be denied because no effort was made to access resources that could have been currently available to meet the emergency need.
- (4) “Calculation of time periods” shall include the date of application unless otherwise specified. When determining income for the last 30 days, however, the 30-day period ending on the day prior to the date of application is used.
- (5) “Dependent” means any of the following members of the applicant's immediate family: husband, wife, civil union partner, and children under age 21, unless they are emancipated minors, including biological, adopted, and stepchildren. A pregnant woman having no children in her household shall not be considered to have a minor dependent.
- (6) “Emancipated minor” means a minor emancipated by judicial decree under the laws of any state. A minor is also considered emancipated if married or in active military service.
- (7) “Gainful employment” means individuals:
 - work at least 35 hours per week at no less than the applicable minimum hourly wage;
 - have gross weekly income that, when divided by 35, equals or exceeds the applicable minimum hourly wage, regardless of the actual number of hours worked; or,
 - if self-employed, work at least 35 hours per week and the balance of income remaining after deducting allowable self-employment deductions equals or exceeds the minimum wage. An individual shall be considered self-employed if the Internal Revenue Service requirements for classification as self-employed are met.
- (8) “Minimum wage” means the state or federal minimum wage, whichever is the higher.

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2800.3 Definitions (Continued)

(9) “Relative” means one of the following individuals:

- Any blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
- Stepparent, stepbrother, stepsister;
- Any adoptive relative of corresponding degree, upon whom Vermont law (15A V.S.A. §1-104) confers the same rights, duties and obligations as natural relatives;
- Any spouse or civil union partner of an individual included in the above groups, even if the marriage or civil union has been terminated by death, divorce, or dissolution.

(10) “Suitable employment” means that:

- The wages (monetary and in-kind) are equal to or exceed the minimum wage. The value of in-kind income shall be established by the employer.
- The individual is physically and mentally fit to perform the employment offered.
- The work offered is not at a site subject to a strike or a lockout at the time of the offer.

The eligibility worker shall establish when medical documentation is required to determine suitability of employment. The department shall pay the reasonable charge for medical examination and report.

(11) “Transient” means an individual who does not intend to establish a permanent residence in Vermont.

2800.4 Authorization Limits

Except as specified below, EA may be authorized during one period of 30 consecutive days in any 12-consecutive-month period. The 12-month period begins the day of the initial authorization and runs for 12 consecutive months.

Authorization limits for EA temporary housing are contained in 2813.2. Authorization limits for rental or mortgage arrearage assistance are contained in 2813.3.

A family applying for EA other than for temporary housing shall not be denied solely because of the receipt of temporary housing within the 12 months prior to the application.

A family applying for EA other than for rental or mortgage arrearage shall not be denied solely because of the receipt of rental or mortgage arrearage assistance within the 12 months prior to the application.

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2801

2801 Eligibility Criteria for Non-Catastrophic Situations

The household applying for non-catastrophic EA must meet all of the following six criteria:

1. During the 30-day period immediately prior to application, the applicant household has received net income, computed according to 2808, less than the applicable income limit. A household otherwise eligible under section 2813.3 will be exempt from this income requirement. The applicable income limits are as follows.
 - a. For a household with members participating in the Reach Up Program, the income limit is the Reach Up payment standard used to determine the amount of the household's Reach Up financial assistance grant.
 - b. For a household with a parent participating in the PSE program and receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine the amount of the household's PSE stipend.
 - c. For a household with a parent participating in the Postsecondary Education Program (PSE) but not receiving a PSE living expense stipend, the income limit is the stipend payment standard for a household of the same size with the same housing costs.
 - d. For a household not participating in either Reach Up or PSE, the income limit is the payment standard for Reach Up financial assistance for a household of the same size with the same housing costs.

The payment standard is the need standard ratably reduced before consideration of any income (Reach Up rule 2245.24).

2. No household members are sanctioned under the Reach Up program because of their refusal to comply with a program eligibility or participation requirement. The disqualification period for EA will be the same as the Reach Up sanction period.
3. The household is actively pursuing all sources of potential income appropriate to their situation, such as, but not limited to, Reach Up, SSI, AABD, Medicaid, food stamps, fuel assistance, unemployment or worker's compensation, veterans benefits, insurance payments, railroad retirement, pensions, social security, wages, and child support. Pursuit of potential income means initiating an application, request, or complaint as appropriate prior to a subsequent EA grant, cooperating with requirements for a timely decision, and continuing to cooperate in meeting requirements to maintain such income on an ongoing basis thereafter.
4. There is an emergency need. If the emergency need is a need for medical services or items, the department shall determine eligibility according to the rules for catastrophic situations at 2802, even if the applicant meets the noncatastrophic income test at 2800.

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2801 Eligibility Criteria for Non-Catastrophic Situations (Continued)

5. The household has exhausted all available income and resources except that:
 - a. Applicants who have available resources (see 2800.3) less than their need shall have the amount of the resources deducted from the EA grant.
 - b. Single individuals age 62 or over, or in receipt of SSI/AABD or social security based on blindness or disability, may have up to \$1,500 of available resources disregarded. Up to \$2,250 of the household's available resources may be disregarded if the individual lives with a spouse or civil union partner. Only resources in excess of these amounts will be counted as available in determining eligibility or benefits for such persons.
 - c. Resources set aside in an escrow account for the purpose of paying property taxes or homeowner's insurance shall be disregarded up to the amount of these projected expenses.
6. The household has complied with the employment requirements in 2807.1, if applicable.

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2802

2802 Eligibility Due to a Catastrophic Situation

Applicants with an emergency need attributable to a catastrophic situation (2802.1) may qualify for EA to address that need, provided that they meet the eligibility criteria in 2802-2804 and payment conditions in 2811-2830. Applicants seeking help for an emergency medical need shall not be eligible for EA to address that need if they have been denied or lost health insurance sponsored by the state or federal government for specified reasons (see 2802(4)).

To qualify for such assistance, applicants must meet all of the following eligibility criteria:

1. They must have an emergency need attributable to a catastrophic situation, as defined in 2802.1.
2. They must have exhausted all available income and resources.
3. They must explore and pursue or have explored and pursued all alternatives for addressing the need, such as family, credit or loans, private or community resources, and private or government-sponsored health insurance. Before the department will determine eligibility for EA payment for vision services or items, the applicant must pursue or have pursued assistance from the Vermont Association for the Blind, the Lions Club and other service organizations, school-related health programs, and other child development programs, if applicable.
4. *Beginning April 1, 2004, if seeking assistance for a medical need, at the department's most recent eligibility determination they must not have been denied or lost government-sponsored health insurance that would have covered the current need because of either or both of the following reasons:*
 - *they failed to pay a premium for the government-sponsored health insurance, or*
 - *they failed to comply with any administrative eligibility requirement necessary to be covered by the government-sponsored health insurance.*

For purposes of EA rules, premium is defined as it is defined in Vermont Medicaid rules. Premium means a nonrefundable charge that must be paid by an applicant or beneficiary as a condition of initial and ongoing enrollment for health insurance.

Eligibility workers shall explain to applicants that they are expected to take steps to avoid or resolve emergencies in the future without EA and that they will be asked to demonstrate that they have done so if they reapply. This explanation shall be documented in the applicant's case record.

Italicized text on this page becomes effective April 1, 2004.

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2802 Eligibility Due to a Catastrophic Situation (Continued)

Subsequent applications must be evaluated in relation to the individual applicant's potential for having resolved the need within the time which has elapsed since the catastrophe to determine whether the need is now caused by the catastrophe or is a result of failure on the part of the applicant to explore potential resolution of the problem.

The department shall not apply an income test or resource exclusions in determining eligibility due to a catastrophic situation.

2802.1 Definition of Catastrophic Situation

For the purposes of this section, catastrophic situations are limited to the following situations:

1. Death of a spouse or minor dependent child.
2. The presence of an emergency medical need, as defined at 2802.3.

The department shall determine the eligibility of an applicant for payment of medical services or items using the criteria for eligibility due to a catastrophic situation at 2802, even if the applicant meets the noncatastrophic income test at 2801.

3. A natural disaster such as a flood, fire, or hurricane.
4. A court-ordered eviction or constructive eviction, as defined at 2802.2, due to circumstances over which the applicant had no control

A court-ordered eviction resulting from intentional, serious property damage caused by the applicant, other household members, or their guests; repeated instances of raucous and illegal behavior that seriously infringed on the rights of the landlord or other tenants of the landlord; or intentional and serious violation of a tenant agreement is not considered a catastrophic situation. Violation of a tenant agreement shall include nonpayment of rent if the tenant had sufficient income to pay the rent and did not use that income to cover other basic necessities or withhold the rent pursuant to efforts to correct substandard housing.

5. A child welfare emergency, as determined by the Department of Social and Rehabilitation Services (SRS), requiring protective, family preservation or support services (2830).

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2802.2

2802.2 Definition of Constructive Eviction

Constructive eviction means any disturbance caused by a landlord, or someone acting on the landlord's behalf, that makes the premises unfit for occupation. The motive for the disturbance, which may be inferred from the act, is the eviction of the occupant.

A situation in which the landlord has not provided heat, utilities, or water within a reasonable period of time and there is an agreement to furnish these items shall be considered a constructive eviction when the applicant is pursuing legal resolution of these offenses through the Vermont Department of Health or appropriate local officials, such as the local housing inspector or town health officer. The department shall not deny benefits to an individual in a constructive eviction situation because the individual chooses not to pursue legal action such as withholding rent, obtaining a court order, suing the landlord, or terminating the rental agreement.

Verifiable battering qualifies as a constructive eviction. Acceptable verification of battering includes:

- a relief-from-abuse restraining order;
- observable physical evidence of abuse;
- corroboration of physical abuse from police, hospitals, court officials, physicians, nurses, and other credible sources; and
- a determination of abuse by staff at a women's shelter.

2802.3 Definition of Emergency Medical Need

The general definition of emergency medical need in subsection A applies to all items and services except those related to vision, dental, and prescription drugs. The definitions of emergency medical need as applied to vision, dental, and prescription drugs are specified in subsections B through D.

A. Emergency Medical Need – General

An emergency medical need is defined as a need for a medical service or item attributable to a medical condition characterized by acute symptoms of sufficient severity, including but not limited to severe pain, such that a prudent layperson, with an average knowledge of health and medicine, could reasonably expect the absence of medical attention to result in the following:

- serious jeopardy to the health of the participant;
- serious impairment to bodily functions; or
- serious dysfunction of the bodily organ or part.

Prior to issuing a vendor authorization for covered physician services, vision services and items, medical supplies, durable medical equipment, or ambulance services, eligibility workers shall obtain a determination from the Office of Vermont Health Access (OVHA) that such services or items address an emergency medical need (as defined in subsection A or B) or addressed such a need at the time the services or items were provided.

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2802.3 Definition of Emergency Medical Need (Continued)

B. Emergency Medical Need –Vision

An emergency medical need is deemed to exist if and only if vision services or items for which EA payment is requested are covered by EA (2820, 2623) and necessary to:

- aid convalescence from eye surgery;
- prevent blindness or further deterioration of eyesight;
- avert risk of physical injury from normal living hazards, such as stairs and stoves; or
- allow an individual to continue education or employment.

C. Emergency Medical Need – Dental

An emergency medical need is deemed to exist if and only if dental services for which EA payment is requested are covered by EA (2820, 2622) and necessary to relieve pain, bleeding, or infection. The Division of Dental Services at the Vermont Department of Health shall determine whether dental services for which EA payment is requested addressed an emergency medical need at the time the dental services were provided.

D. Emergency Medical Need – Prescription Drugs

An emergency medical need is deemed to exist if and only if a prescribed drug for which EA payment is requested complies with the requirements of the pharmacy best practices and cost control program, and is not included in a classification on the department's list of noncovered drug classifications (2820, 2624).

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2808

2808 Income

Income means the total gross sum of all monetary remuneration received from any source for any reason. See 2808.1 through 2808.6 for deductions and excluded income. The following list identifies some kinds and sources of income:

1. Reach Up financial assistance payments. Reach Up financial assistance prior to deductions to recover overpayments shall count as income received.
2. Wages or compensation for services performed as an employee.
3. Gross receipts from self-employment. Gross receipts shall include all monies received from the following:
 - sale of goods or commodities produced by the self-employment enterprise;
 - services performed in connection with and attributable to the enterprise; and
 - gross proceeds from the sale or transfer of capital assets used in or held as an investment by the enterprise (e.g., real estate, personal property, and securities).
4. Room or board payments received.
5. Day care payments received.
6. The amount actually received in annuities, pensions, compensation or benefit programs (e.g., social security retirement or disability benefits, veterans benefits, railroad retirement, SSI/AABD, but not GA or EA).
7. Government-sponsored payments.
8. Cash gifts, child support, spousal support
9. Rent, dividends, interest, royalties.
10. Regularly or irregularly received cash from any source.

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2808 P.2

2808 Income (Continued)

All income received by all persons included in the applicant household shall be verified and shall be computed to arrive at the total gross income received during the 30-day period prior to the date of the application. The total allowable deductions (section 2808.1 through 2808.6) shall be computed and subtracted from the total gross income to arrive at the total net income received during the 30-day period prior to the date of application. If total net income equals or exceeds the applicable income limit (2801), the application shall be denied unless the household is eligible because it has experienced a catastrophic situation (2802).

The applicant may be required to substantiate that income and resources have actually been spent. Amounts not accounted for shall be considered cash-on-hand.

2808.1 Standard Work Expense Deduction

To compute earned income used in determining eligibility for emergency assistance, an employment expense standard consisting of the first \$90 of earned income shall be deducted from the 30-day gross earned income of each employed individual in lieu of actual employment expenses such as taxes, insurance, dues, clothing, and transportation.

In addition, deductions for garnishments against income, although mandatory on the employer, shall be limited to garnishments:

- by the Internal Revenue Service for federal taxes;
- by the state of Vermont for state taxes; and
- for child and spousal support (see 2808.3).

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2808.3 P.2

2808.3 Child Support Deductions

A. (Continued)

The applicant must provide proof of the child support payments. Check stub notations are not verification. In questionable situations contact with a knowledgeable third party, deemed reliable by the worker, may be necessary. If the payment cannot be verified, the child support deduction shall not be allowed.

B. Child support received by a household member

For purposes of determining eligibility, the first \$50 of child support received in the previous 30 days may be deducted.

2808.4 Room and Board Deductions

The cost of producing room and board shall be deducted from the gross income received in the last 30 days in the following amounts:

Service Provided	Deduction Per Person Per Day
room only	\$1.00
board only	\$2.00
room and board	\$3.00

The deduction shall not exceed the amount of room and board payment received.

An applicant who provides room or board to three or more adult individuals unrelated to the applicant shall be considered to be operating a commercial enterprise and have deductions computed according to 2808.2.

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2808.5

2808.5 Dependent Care Expense Deduction

Except as specified below, dependent care expenses necessary to enable individuals to retain their employment shall be deducted as paid in the previous 30 days up to the following maximum amounts per adult or child:

Dependent Needing Care	Maximum Deduction Per Dependent
child under age 2	\$200
child age 2-12	\$175
child age 13-17 who meets the criteria in Reach Up rule 2352	\$175
incapacitated adult	\$175

Dependent care deductions will be allowed on the basis of a signed statement by the provider of services. If a recipient's dependent care expenses are below the maximum, transportation to and from the dependent care facility may be deducted as part of the expense at the mileage rate published in Reach Up procedures.

As long as funding for child care subsidies through the Department of Social and Rehabilitation Services (SRS) is available, Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses because they qualify for the child care subsidy.

2808.6 Excluded Income

Certain kinds of income are excluded from consideration when determining income eligibility for emergency assistance. They are considered, however, in evaluating whether an emergency need exists.

These kinds of income include:

- senior companion stipend,
- fuel assistance benefits,
- foster care payments from Social and Rehabilitation Services (SRS), and
- adoption assistance subsidies.

Other kinds of income are totally excluded, even in the consideration of an emergency need, including catastrophic situations. These include:

- food stamps and food stamp cashout payments, as their use is dedicated exclusively to improvement of dietary standards; and
- money that an SSI/AABD recipient sets aside for the fulfillment of a plan to achieve self-support (PASS plan).

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2810 Benefit Issuance

During a 30-day period, benefits for needs other than those resulting from a catastrophic situation (2802) cannot exceed the difference between the applicable income limit, as defined in 2801 B, and the net income for that household computed according to 2808. This provision is only applicable if the household has received general assistance or emergency assistance in the previous 60 days.

Catastrophic benefits received in the previous 30 days are not counted as income in the net income calculation referred to above.

Benefits for needs in sections 2811 through 2817 may be issued to the applicant or to the provider of the service.

The eligibility worker determines the appropriate method of payment after assessing the preference of the applicant and provider and the applicant household's ability to use the money for the designated need.

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2813

2813 Housing

Housing includes accommodations to provide permanent or temporary shelter for eligible applicants. Housing may include furnishings, fuel, and utilities. Applicants are required to furnish verification of housing expenses. Housing payments may be authorized only when the applicant cannot obtain housing without cost to the applicant; for example, housing supplied by relatives, friends, or community groups. Payment may be provided for rent, lot rent, mortgage, condo and association fees, water and sewer charges, fuel and utilities when included in the rent, but not taxes. A household in crisis requiring emergency assistance should be considered for tax abatement before a housing crisis would occur. An exception to this policy, relative to taxes, is that payment may be made on behalf of an otherwise eligible applicant, when foreclosure proceedings have been filed by the municipality to which the taxes are owed, and the proceedings are scheduled to take place within 30 calendar days. Payment shall be for the minimum amount necessary to prevent tax foreclosure.

2813.1 Permanent Housing

Permanent housing is defined as housing accommodations intended to provide shelter on a continuing basis.

Except where specifically noted in this section (2813), payment shall not exceed the housing payment maximum or the actual payment, whichever is less.

When more than one individual or family unit occupy the same housing unit, the payment per applicant household shall not exceed the housing payment maximum or the pro-rata share of the total rent or mortgage payment, whichever is less. The total rent or mortgage payment used to compute the pro-rata share shall not exceed three times the applicable housing payment maximum. Any amount exceeding this shall be disregarded in the computation.

The pro-rata share is computed by dividing the total, up to three times the maximum, by the number of individual or family units sharing the housing unit.

When a housing allowance for the period to be covered has been or will be included in the applicant's Reach Up financial assistance grant or Postsecondary Education Program living expense stipend, that allowance, after ratable reduction, shall be deducted from the applicant's emergency assistance grant.

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2813.2

2813.2 Temporary Housing

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided and for whom permanent housing or alternative arrangements are not immediately available. "Could not reasonably have avoided" is subject to the limitation in 2802.1 (4). Temporary housing, beyond 28 cumulative days in any consecutive 12-month period, is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

A family applying for temporary housing assistance shall not be denied solely because of prior receipt of EA assistance other than for temporary housing.

Authorization for temporary housing may be issued for periods of not more than seven days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time.

Housing authorizations shall be reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

Department staff and town service officers shall make all possible effort to assist in the location of permanent housing for recipients located in temporary housing. The department shall inform recipients that they are primarily responsible, however, for locating permanent housing, and that if they do not make active effort to locate permanent housing, or fail to accept housing accommodations deemed suitable by the District Manager or the Town Service Officer, even if in a location other than where they are situated, continued EA payment for temporary housing shall be denied.

During the first 14 days, documentation of the housing search is discretionary. Thereafter, individuals must demonstrate they have spent 20 hours or made between 10-15 contacts per week or expended an equivalent combination of effort.

The work search at 2807 is also required when it is a factor of eligibility for any member of the assistance household. Documentation of additional time spent in search of permanent housing may be substituted for the work search requirement on a contact for contact basis.

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2813.21

2813.2 Temporary Housing

2813.21 Pre-authorization of Permanent Housing Payments

To reduce the time families with children spend in temporary housing, aid in obtaining permanent housing is allowed for EA eligible families who are in, or eligible for, temporary housing as of the date of application, or subject to a signed court order of eviction, due to circumstances over which the family had no control, with an evacuation date fewer than 30 days in the future. Such aid is as follows:

- a. Payment maximums may be actual cost during the period indicated in (c.) below. Any grant toward housing whose cost exceeds 60 percent of the applicant's EA household income eligibility standard must be reviewed by a supervisor for feasibility and have supervisory approval documented. The basis of approval will be an evaluation of whether the applicant will be able to maintain rental payments at this level based on such factors as availability of other resources like food stamps, fuel assistance, child support, income in excess of eligibility standards (for example, when eligibility is based on fire or flood), family history, or potential for heavy utilization of subsistence techniques such as gardening, canning, cutting own wood, or obtaining donated clothing. It is not the intent of this regulation to assist a family to move into unaffordable housing, but to help as much as possible with any permanent housing plan that is realistically possible.
- b. Housing deposits or security payments, not to exceed one month's rent, that are necessary to obtain permanent housing, may be pre-authorized. Actual payment, when permanent housing is located, must occur during the 30-day EA eligibility period or within 60 days thereafter.
- c. Payment may be pre-authorized for a period that includes payment of two months in permanent housing following departure from temporary housing or three months of permanent housing if temporary housing can be avoided altogether. Although authorization must occur within the 30-day period of EA eligibility, actual payment will not be issued until the normal due date. Payment in permanent housing will assume that the applicant has or will apply the housing portion of Reach Up financial assistance or a comparable amount from other income toward the housing cost. A comparable amount from other income shall be computed by establishing the Reach Up housing payment standard that would be applicable and reducing that amount by whatever amount the household income falls short of the total Reach Up payment standard applicable to the household, or increasing it by the amount by which income exceeds that standard.
- d. Moving expenses, per section 2813.5, may be pre-authorized during the 30-day eligibility period for payment as needed when permanent housing is located during the EA eligibility period or the 60 days thereafter.

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2813.21 P.2

2813.2 Temporary Housing

2813.21 Pre-authorization of Permanent Housing Payments (Continued)

- e. Pre-authorization of initial fuel and utility payments such as deposits or connection charges in the case of metered delivery, or a minimum delivery in the case of bulk delivery, as defined in sections 2817.1 and 2817.2 respectively, may be made during the 30-day EA eligibility period to be paid when permanent housing is located, providing payment is within the same period for which housing costs have been pre-authorized and is necessary to enable the family to move into the housing.
- f. Pre-authorization of any of the above items does not commit the department to make payment unless, at the time of application for payment, the applicant meets the test of financial eligibility and has an emergency need. Financial eligibility shall be limited to families with income in the past 30 days that does not exceed 150 percent of the Reach Up payment standard.

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2813.31 P.2

2813.3 Rental or Mortgage Arrearage

2813.31 Eligibility for Payment of Rental or Mortgage Arrearage (Continued)

- (4) The family meets all other criteria for EA eligibility, except that a family applying for arrearage assistance shall not be denied solely because of prior receipt of EA assistance other than for rental or mortgage arrearage. A family that receives rental or mortgage arrearage assistance is not eligible to receive any subsequent arrearage assistance until at least 12 months have elapsed since the most recent receipt of such assistance.

A family that meets the four criteria above qualifies for either Category I or Category II assistance with rental or mortgage arrearage. To qualify for Category I assistance, the family must meet at least one of the two criteria specified below. An otherwise eligible family that does not meet either of the criteria for Category I assistance qualifies for Category II assistance.

2813.32 Types of Assistance

A. Category I Assistance

An otherwise eligible family meeting at least one of the following two criteria for nonpayment of rent or mortgage expenses in each of the months represented by the arrearage may be eligible for payment of up to three months' rental or mortgage arrearage. The criteria are:

- (1) Rent or mortgage payments were not made because the family experienced an emergency or extraordinary event that appropriately required the use of funds. For purposes of this section, "emergency or extraordinary event" is defined as "a serious situation or occurrence that happens unexpectedly and demands immediate attention."
- (2) Rent or mortgage payments were not made because the family's essential expenses exceeded their benefits and available gross income, after deduction of the standard work expense and allowable self-employment business expenses. In addition, the family is making a good-faith effort to pay for essential expenses. Essential expenses include rent; mortgage and insurance that is part of the mortgage; minimum liability insurance required by law for a vehicle necessary for family transportation; taxes; fuel; electricity; water; sewer; basic telephone; medical expenses not reimbursable under an assistance program or insurance plan or by a third party; work-related child care expenses not reimbursable under an assistance program or by a third party; food in an amount equal to the Food Stamp Thrifty Food Plan for the family size; and actual and reasonable school expenses. Reasonable school expenses do not include general purpose wearing apparel but do include wearing apparel that is not general purpose, not provided by the school, and required for a specific school activity in which the family member participates. The department determines whether school expenses are reasonable.

Income and benefits would include all those benefits available to the family to meet needs including, but not limited to, all earned and unearned income, the Reach Up benefit, the family bonus, the Lifeline telephone benefit, the fuel program line-of-credit or crisis benefit, the food stamp benefit, and the WIC benefit.

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2820

2820 Medical Care

Medical care is limited to the types of care described in General Assistance Rules sections 2620 through 2627. Applicants must meet eligibility criteria in 2802, 2802.1, and 2802.3 for eligibility due to a catastrophic situation and the general eligibility criteria in 2803 and 2804.

2820.1 Payment

Eligibility workers shall issue vendor authorizations to eligible applicants. Vendor authorizations issued by the department must accompany provider bills for medical services other than prescription drugs. No EA payments shall be made, however, unless the requirements set forth in 2620-2627 are also met.

Payment to providers may not exceed the amount set forth in the fee schedule used in the Vermont Medicaid Program. Vermont law (33 V.S.A. §6501-6508) prohibits balance billing, which is charging or collecting from the recipient any amount in excess of the reasonable charge for the service, defined as the amount in the fee schedule.

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2830

2830 Child Welfare Emergencies

Emergency assistance for services to alleviate child welfare emergencies is available through the Vermont Department of Social and Rehabilitative Services (SRS). After determining that a child welfare emergency exists, SRS staff determines EA eligibility. SRS may authorize child protective, family support, and family preservation services to alleviate the emergency. Services may be preauthorized for a period not to exceed 12 months, except for substitute care, which may not exceed 4 months.

2830.1 Eligibility Criteria

SRS may issue EA when the following conditions are met:

1. A child welfare emergency exists.

A child welfare emergency is defined as:

- a report of abuse, neglect or abandonment of a child to the Department of Social and Rehabilitation Services (SRS); or
- imminent risk of removal of a child from the home due to abuse, neglect, abandonment or serious emotional disturbance; or
- a child without or beyond the control of a parent; or
- a delinquent child placed in the custody or under the supervision of SRS.

2. The applicant meets general EA eligibility criteria in Catastrophic Situations, 2802.

2830.2 Protective Services

Protective services are defined as the investigation of reports of abuse and neglect, the assessment of family needs and strengths, and the delivery of casework and other services designed to address the risk factors that led to the abuse or neglect of the child. Services include, but are not limited to, crisis services, protective service and family support child care, emergency shelter, foster care, and residential care for children. EA may only be authorized to those who are not eligible for payment of these services through another funding source.

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2830.3

2830.3 Family Support Services

Family support services are primarily community-based prevention services designed to alleviate family stress and promote parental competencies and behaviors. These services increase the ability of parents to successfully nurture their children and/or enable families to access other resources and services available in the community. Family support services include, but are not limited to, respite care for parents and other caregivers such as foster parents; early assessment and developmental screening of children to assess their needs and assistance in obtaining specific services to meet the identified needs; mentoring, tutoring, parent educator, and other home visiting services; and family support child care.

2830.4 Family Preservation Services

Family preservation services are primarily crisis intervention services designed to alleviate the crisis that would otherwise lead to substitute care placements, maintain the safety of the child in the home, and support families preparing to reunify or adopt. Family preservation services include, but are not limited to, intensive family-based services, respite care, services to improve parenting skills and support child development, reunification services, services for families or youth in crisis, and intervention and advocacy for victims of domestic violence.